

AKIN GUMP
STRAUSS HAUER & FELD LLP
Atorneys at Law

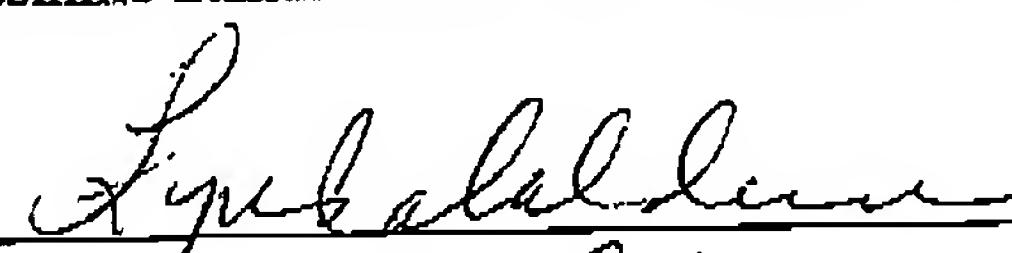
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January 28, 2005

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature: Name of Person Signing Certificate: Lynda CalderoneDate January 28, 2005

To	Company	Fax	Phone
Examiner Ralph Gitomer	Group Art Unit 1623 USPTO	571-273-8300	571-273-8300

From: Lynda Calderone
Total Pages: 7
Direct Dial: 215.965.1272
Re: U.S. Patent Application No. 10/091,260 of Felkner et al. for "Methods, Compositions and Kits For Biological Indicator of Sterilization"
Docket No.: 61-2U5
Title of Paper(s) being sent Copies of: Information Disclosure Statement, SB/08A (3 pages) and copy of PTO stamped postcard (both sides) - Filed July 11, 2002

Message: Examiner Gitomer: I located on PAIR the initialed copy of the IDS which was filed on August 1, 2002 which only cites one patent (so I now do not need that one reviewed), but PAIR does not reflect the IDS filed July 11, 2002, which cited art that was either cited to or by the Examiner in the parent filing (09/563,707). Accordingly, pursuant to our conversation of January 28, 2005, I have attached a copy of the July 11, 2002 IDS along with the SB/08/A form and stamped postcard for your consideration. Please make the IDS part of the official record and send us a copy of the initialed SB/08A form (can be attached to a Supplemental Notice of Allowance if you prefer).

Respectfully submitted, Lynda Calderone Reg. 35,837

200061.0020/2US

Floor: 11

 Return fax via Interoffice Mail

Sender's email: lcalderone@akingump.com

Secretary: Theresa Ehret

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One Commerce Square / 2005 Market Street, Suite 2200 / Philadelphia, Pennsylvania 19103-7013 / 215.965.1200 / fax: 215.965.1210 / akingump.com

I HEREBY CERTIFY THAT THE CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

BY: Judi E. Morgan

DATE: July 11, 2002

PATENT
BOX NON-FEE AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re:	Patent Application of I. Cecil Felkner, <i>et al.</i>	: Group Art Unit 1623	JAN 28 2005
		:	
		:	
Conf. No.:	8046	:	
Appln. No.:	10/091,260	: Examiner: Not Yet Assigned	
Filed:	March 4, 2002	:	
For:	METHODS, COMPOSITIONS AND KITS FOR BIOLOGICAL INDICATOR OF STERILIZATION	: Attorney Docket : No. 61-2U5	

COPY

INFORMATION DISCLOSURE STATEMENT

It is requested that the references listed on the attached Information Disclosure Citation Form PTO/SB/08A be considered by the Patent Examiner in connection with the above-identified application and be made of record therein.

Copies of the references were previously cited by and/or submitted to the U.S. Patent and Trademark Office in related Application No. 09/563,707, filed May 2, 2002 (the "prior application"). The present application relies, under 35 U.S.C. § 120, on the filing date of the prior application. Therefore, under 37 C.F.R. § 1.98(d), copies of the references are not enclosed, but will be provided on request.

Independent consideration and acknowledgment of the listed references are respectfully requested.

Respectfully submitted,

IRA C. FELKNER, *et al.*

7/10/02
(Date)

By:

Lynda L. Calderone
LYNDA L. CALDERONE
Registration No. 35,837
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103
Telephone: (215) 965-1200
Direct Dial: (215) 965-1272
Facsimile: (215) 965-1210
E-Mail: lcalderone@akingump.com

LLC/WCY/vj
Enclosure

Form PTO/SB/08A		COPY	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			
Sheet	1	of	3
		Attorney Docket Number	61-2U5

U.S. PATENT DOCUMENTS				
Exr Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-YYYY
	Number	Kind Code (if known)		
	3,440,144		Andersen	04-1969
	3,730,842		Wyatt et al.	05-1973
	3,770,351		Wyatt	11-1973
	3,815,000		Phillips et al.	06-1974
	4,101,383		Wyatt et al.	07/1978
	4,140,018		Maldarelli et al.	02-1979
	4,173,415		Wyatt	11-1979
	4,416,984		Wheeler, Jr.	11-1983
	4,461,837		Karle et al.	07-1984
	4,528,268		Andersen et al.	07-1985
	4,541,719		Wyatt	09-1985
	4,548,500		Wyatt et al.	10-1985
	4,596,773		Wheeler et al.	06-1986
	4,616,927		Phillips et al.	10-1986
	4,621,063		Wyatt et al.	11-1986

FOREIGN PATENT DOCUMENTS				
Exr Initials	Foreign Patent Document			Date of Publication of Cited Document MM-YYYY
	Country Code	Number	Kind Code (if known)	
	SU	903382	B	Gororumor et al. (English Language Abstract Only) 02-1982

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Exr Initials	Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or country where published.			
	Shahamat, M. et al. "Bacterial Retention By Membrane Filters"; Abstract for American Society for Microbiology Meeting, Chicago, IL, One Page, (June 1, 1999).			
	Anderson, E.M. et al. "Potential Application of LASER/Microbe Bioassay Technology for Determining Water-Soluble Vitamins in Foods" <i>Journal of AOAC International</i> , Vol. 76, No. 3, pp. 682-689 (1993).			
	Felkner, I.C. et al. "Newest Approaches to Quantitative Assessment of Bioactive Organotins". <i>Science and Technology Letters</i> , Vol. 1, No. 3, pp. 79-92 (October 1989)			
	Felkner, I.C., Ed. Marcel Dekker, Inc., "Microbial Assay Construction: Rationale, Specificity, and Utility". In <i>Microbial Testers: Probing Carcinogenesis</i> , NY, Vol. 5, Part 2, pp. 89-91 (1991).			

Examiner Signature		Date Considered
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Form PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			
<i>Complete If Known</i>			
Application Number		10/091,260	
Filing Date		March 4, 2002	
First Named Inventor		I. Cecil Felkner et al.	
Group Art Unit		1623	
Examiner Name		Not Yet Assigned	
Sheet	2	of	3
Attorney Docket Number			

COOP

U.S. PATENT DOCUMENTS

Ext Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-YYYY
	Number	Kind Code (if known)		
	4,693,602		Wyatt et al.	09-1987
	4,710,025		Wyatt et al.	12-1987
	4,717,661		McCormick et al.	01-1988
	4,810,875		Wyatt	03-1989
	4,907,884		Wyatt et al.	03-1990
	4,952,055		Wyatt	08-1990
	5,129,723		Howie et al.	07-1992
	D.329,821		Wyatt et al.	09-1992
	5,073,488		Matner et al.	12-1991
	5,167,923		Van Iperen	12-1992
	5,223,401		Foltz et al.	06-1993
	5,252,484		Matner et al.	10-1993
	5,305,071		Wyatt	04-1994
	5,366,872		Hird et al.	11-1994
	5,405,580		Palmer	04-1995
	5,486,459		Bumham et al.	01-1996
	5,498,526		Caputo et al.	03-1996

FOREIGN PATENT DOCUMENTS

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Exr Initials	Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or country where published.	T ₁
	Felkner, I.C.; Laumbach, A.D.; Harter, M.L. "Development of A <u>B. Subtilis</u> System to Screen Carcinogens/Mutagens: DNA-Damaging And Mutation Assays"; pp. 93 -119, (Date not specified).	

Examiner Signature	Date Considered	
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<p>Form PTO/SB/08A</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>				<p>Complete if Known</p>	
				<p>Application Number</p>	10/091,260
				<p>Filing Date</p>	March 4, 2002
				<p>First Named Inventor</p>	I. Cecil Felkner et al.
				<p>Group Art Unit</p>	1623
				<p>Examiner Name</p>	Not Yet Assigned
				<p>Attorney Docket Number</p>	61-2U5
Sheet	3	of	3		

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Exr Initials	Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or country where published.

Examiner Signature	Date Considered
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 OF I. CECIL FELKNER, ET AL.
 FOR: METHODS, COMPOSITIONS AND KITS FOR BIOLOGICAL...
 RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:

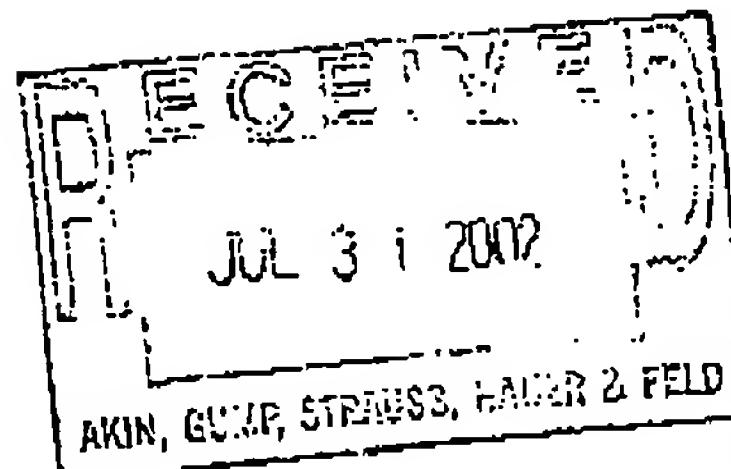
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<input type="checkbox"/> TRANSMITTAL LTR (US/PC/NATL/PHAR)	<input type="checkbox"/> FEE AUTH (FINAL/MAINT/DISCLAIMER)
<input type="checkbox"/> REV/APPT OF ATTORNEY	<input type="checkbox"/> REQUEST (STATUS/CERTIF CORR/COR FILING RT/REFUND)

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 OTHER (PAPER TITLE) _____

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ONE COMMERCE SQUARE, SUITE 2200
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PHILADELPHIA, PA 19103